Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/945,128	TRAXLER, JONATHAN M.
	Examiner	Art Unit	
	Karen C. Tang	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-35* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

- A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.1 14, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been

withdrawn pursuant to 37 CFR 1.1 14. Applicant's submission filed on 03/20/06 has been

entered.

- Claims 19-35 are presented for further examination.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 19-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Raymond et al

hereinafter Raymond (US 6,108,697).

1. Referring to Claims 19 and 25, Raymond discloses a server, comprising: a connection to a

computer communication network (refer to Col 5 and 6);

a transmitter (downloading computer requesting/transmit a request, refer to Col 9) for

broadcasting on the computer communication network a request to restore a server payload

(downloading computer), after the server payload has been installed on the server, in response to detecting a need for restoring the server payload (it is inherent that the downloading computer must detecting the need to restore the payload/data, thus to start requesting, refer to Col 9 and Col 10);

a receiver for receiving a digital image of the server payload from a second server (Examiner interprets the second computer as the second sever, refer to Col 6 and Col 9) connected to the computer communication network (refer to Col 5 and Col 9);

and restore logic for restoring the server payload from the received digital image (refer to Col 1, Col 6, Lines 55-67, Col 7, Col 8, and Col 9).

Boot logic to response (Col 6, Lines 40-67 and Col 7, Lines 1-15, and Col 9, Lines 5-15, transmitter initiate to transmit recovery information in response to commands/boot logic) to boot signal by broadcasting the request to restore the server payload (multicasting is type of broadcasting, refer to Col 3, Lines 55-67 and Fig 1 and Col 6, Lines 20-45 and Col 6, Lines 30-45).

2. Referring to Claim 20, Raymond discloses: boot logic (agent, refer to Col 10 and Col 11) to respond to a boot signal (response, refer to Col 10) by broadcasting the request to restore the server payload (refer to Col 10).

3. Referring to Claim 21, Raymond discloses one or more operation buttons to allow a user to generate the boot signal (user interface, it is inherent that the user must've an operation buttons to allow user to generate a request, refer to Col 10 and Col 11).

4. Referring to Claim 22, Raymond discloses wherein the boot signal is generated remotely (refer to Col 10).

5. Referring to Claim 23, Raymond discloses wherein transmissions over the computer communication network are protocol (encoding, type of protocol, refer to Col 9, and 10).

6. Referring to Claim 24, Raymond discloses wherein the digital image of the server payload possesses files not included in the server payload as initially installed (refer to Col 1, 3, and 4).

7. Referring to Claim 26, Raymond discloses: responding to a boot signal by broadcasting the request to restore the server payload (refer to Col 10).

8. Referring to Claim 27, Raymond discloses wherein the boot signal is generated remotely (refer to Col 10).

9. Referring to Claim 28, Raymond discloses wherein the request to restore the server payload is encoded in a secure protocol encoding, (encoding, type of protocol, refer to Col 9, and 10).

10. Referring to Claim 29, Raymond discloses wherein the digital image of the server payload is encoded in a secure protocol (encoding, type of protocol, refer to Col 9, and 10).

11. Referring to Claim 30, Raymond discloses wherein the digital image of the server payload possesses files not included in the server payload as initially installed (refer to Col 1, 3, and 4).

12. Referring to Claim 31, Raymond discloses receiving the request to restore the server payload in a second Server (refer to Examiner interprets the second computer as the second sever, refer to Col 6 and Col 9).

13. Referring to Claim 32, Raymond discloses responding to the request to restore the server payload by a second Server (refer to Col 9, 10, and 11).

14. Referring to Claim 33, Raymond discloses wherein responding to the request to restore the server payload comprises transmitting the digital image (refer to Col 9, 10, 11).

15. Referring to Claim 34, Raymond discloses storing two or more digital images of the server payload in a partitioned memory in a second (refer to Col 14).

16. Referring to Claim 35, Raymond discloses producing the digital image on one or more portable computer readable media (refer to Col 1).

Response to Arguments

Applicant's arguments filed 3/20/2006 have been fully considered but they are not persuasive.

1) In the remark, the applicant argued that 1) Raymond fails to teach "boot logic to respond to a

boot signal by broadcasting the request to restore the server payload" and "responding to a boot

signal by broadcasting the request to restore the sever payload".

1) Examiner respectfully traverse the rejection: Raymond taught that the transmission of the

"boot logic"/restore images is initiated by the request (boot signal) from the downloading

computer (refer to Col 9, Lines 1-15).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The

examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KT

ZARNI MAUNG
PRIMARY PATENT EXAMINER